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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,246	12/06/2001	Hannu L. Suominen	1986/00005	4524
7590	06/02/2004			EXAMINER ARNOLD JR, JAMES
Burton A. Amernick Connolly Bove Lodge & Hutz LLP Suite 800 1990 M Street, N.W. Washington, DC 20036-3425			ART UNIT 1764	PAPER NUMBER
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/003,246	SUOMINEN, HANNU L.
	Examiner	Art Unit
	James Arnold, Jr.	1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 06 December 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) Claim(s) 3-5 is/are allowed.
- 6) Claim(s) 1-2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a method for pretreatment of used tires, classified in class 585, subclass 241.
- II. Claims 6-10, drawn to equipment for pretreatment of used tires, classified in class 202, subclass 241.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as an apparatus for the pre-treatment of used tires not containing a compression station.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Burt Amernick on May 18, 2004 a provisional election was made WITH traverse to prosecute the invention of Group I, claims 1-5. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (USPN 5,661,872) in view of applicant's disclosure.

The Meyer et al. reference discloses a process for cleaning workpieces utilizing high pressure air jets. See Abstract. The cleaning of the workpieces is carried out in a closed chamber whereby air contaminated with dust and other dirt particles is continuously conducted through an air cleaning device for removing said dust and dirt from the air; received cleaned air is fed to a high pressure blower for producing high pressure air jets. See Abstract and Figure 1.

The reference does not disclose pretreatment of used tires or a pyrolysis process.

Applicant discloses in the specification that previously known pyrolysis processes have utilized water in pretreatment. See Page 1 of Specification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize air jets for the pretreatment of used tires because applicant discloses that water washing results in considerable waste water problems. See Page 1 of Specification.

***Allowable Subject Matter***

Claims 3-5 are allowable. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose pretreatment of used tires with air jets before the first heating stage of a pyrolysis process, whereby the cleaning of air is carried out by means of a high voltage electric field between a central charging electrode provided with radially directed tips having a first polarity and a cylindrical collecting electrode of opposed electric polarity, surrounding said charge electrode nor does it disclose utilization of air jet cleaned whole tires or compressed tires before a pyrolysis process.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Teng et al (Industrial and Engineering Chemistry Research: Reprocessing of Used Tires into Activated Carbon, Volume 34, Issue 9, Sep. 1995). The Teng et al. reference discloses pretreatment of used tires with oxygen prior to the heating stage of a pyrolysis process.

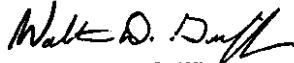
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Arnold, Jr. whose telephone number is 571-272-1443. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:00 PM; Fridays from 8:30 AM-5:00 PM with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Calderola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ja  
April 29, 2004

  
Walter D. Griffin  
Primary Examiner